

**REMARKS**

Reconsideration and allowance of the present application are respectfully requested in light of the preceding amendments and following remarks. Claims 1-3, 6-17, 19 and 21-24 are pending in this application. By this Amendment, claims 1, 7, 9-12, 14 and 22-23 are amended. By this Amendment, no claims are added or cancelled. Claims 1 and 14 are the independent claims.

**Examiner Interview**

Applicants thank the Examiner for granting the telephone interview conducted on May 26, 2009. In accordance with the Examiner's suggestion, Applicants have amended independent claims 1 and 14 to overcome the cited references. During the interview, the Examiner acknowledged that the newly recited features of claim 1 overcome the Parantainer, Hunzinger and Tiedemann references for the reasons discussed below. As a result, Applicants respectfully request the Examiner to withdraw all Section 103 rejections and issue a Notice of Allowance in the next USPTO communication.

**Rejections under 35 U.S.C. §103**

**Parantainer / Hunzinger**

The Examiner has rejected claims 1-3, 6-7, 14-17 and 21-22 under 35 U.S.C. §103(a) as being unpatentable over Parantainer (U.S. Patent No. 7,092,373, hereinafter "Parantainer") in view of Hunzinger et al. (U.S. Patent No. 7,164,654, hereinafter "Hunzinger"). Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed during the interview, Applicants have amended independent claims 1 and 14 to further clarify their features. For instance, claim 1 recites, *inter alia*, “the first indicator being a first bit value representing either the acknowledgment or the negative acknowledgment, the second indicator being a second bit value representing the transmit rate.” Because the Examiner acknowledges that Parantainen does not disclose or suggest the first and second indicators of claim 1, Parantainen cannot possibly disclose or suggest the newly amended features of claim 1, as identified above. In addition, Applicants submit that newly cited reference, Hunzinger, does not disclose or suggest “the first indicator being a first bit value representing either the acknowledgment or the negative acknowledgment, the second indicator being a second bit value representing the transmit rate.” For example, the SYNC/MAR (a,b) message of Hunzinger indicates two types of data ranges – a and b. The SYNC/MAR (a,b) message does not include “a first bit value representing either the acknowledgment or the negative acknowledgment” and “second bit value representing the transmit rate” as required by claim 1. See Hunzinger, column 17, line 63 to column 18, line 18.

Furthermore, Applicants submit that Tiedemann, Jr. et al. (U.S. Patent No. 7,054,293, hereinafter “Tiedemann”) fails to cure the deficiencies of Hunzinger and Parantainen with respect to the above-recited features of claim 1. For example, as discussed during the interview, Tiedemann discloses n-bits for an acknowledgment message and n-bits for a negative acknowledgment message. In contrast, claim 1 requires “the first indicator being a first bit value representing either the acknowledgment or the negative acknowledgment, the second indicator being a second

bit value representing the **transmit rate**.” Tiedemann does not suggest the second indicator being a second bit value representing the transmit rate.

Therefore, Tiedemann, Parantainen and Hunzinger, alone or in combination, cannot render independent claim 1 obvious to one of ordinary skill in the art. Independent claim 14 has been amended to include features similar to the above-recited features of claim 1, and therefore is patentable for at least the same reasons stated above. Claims 2-3, 6-7, 15-17 and 21-22, dependent on claims 1 and 14, are patentable for at least the same reasons stated above. Therefore, Applicants respectfully request this rejection be withdrawn.

Parantainer / Hunzinger / Tiedemann

The Examiner rejects claims 8 and 19 under 35 U.S.C. §103(a) as being unpatentable over Parantainen in view of Hunzinger and Tiedemann. Claims 8 and 19, dependent on claims 1 and 14, are patentable for at least the same reasons stated above. Therefore, Applicants respectfully request this rejection be withdrawn.

Parantainer / Hunzinger / Gardner

The Examiner rejects claims 9 and 23 under 35 U.S.C. §103(a) as being unpatentable over Parantainer in view of Hunzinger as applied to claim 6 and 21 above, and further in view of Gardner et al. (U.S. Patent No. 7,246,174, hereinafter Gardner). Claims 9 and 23, dependent on claims 1 and 14, are patentable for at least the same reasons stated above. Furthermore, Gardner fails to overcome the deficiencies of Parantainer and Hunzinger with respect to the above recited features of claim 1. Therefore, Applicants respectfully request this rejection be withdrawn.

Parantainer / Hunzinger / Tiedemann

The Examiner rejects claims 10-12 under 35 U.S.C. §103(a) as being unpatentable over Parantainen in view of Hunzinger as applied to claim 6 above, and further in view of Tiedemann. Claims 10-12, dependent on claim 1, are patentable for at least the same reasons stated above. Therefore, Applicants respectfully request this rejection be withdrawn.

Parantainer / Hunzinger / Proctor

The Examiner rejects claims 13 and 24 under 35 U.S.C. §103(a) as being unpatentable over Parantainen in view of Hunzinger and Proctor Jr. (U.S. Patent No. 7,218,623, hereinafter "Proctor"). Claims 13 and 24, dependent on claims 1 and 14, are patentable for at least the same reasons stated above. Furthermore, Proctor fails to overcome the deficiencies of Parantainer and Hunzinger with respect to the above recited features of claim 1. Therefore, Applicants respectfully request this rejection be withdrawn.

**CONCLUSION**

In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

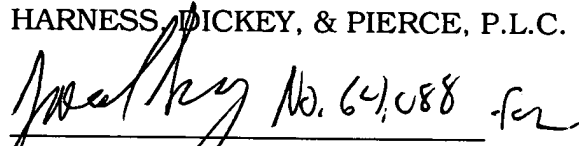
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKKEY, & PIERCE, P.L.C.

By

  
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